

March 3, 2017

Commissioner Liane Randolph
Commissioner Clifford Rechtschaffen
Committee on Policy and Governance
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Delivered by email: PolicyandGovernance@cpuc.ca.gov

Subject: CWA Comments on Draft Proposal

Dear Commissioner Randolph and Commissioner Rechtschaffen:

On behalf of California Water Association ("CWA") and its more than 100 investor-owned, California Public Utilities Commission ("CPUC")-regulated member water companies, thank you for the opportunity to provide comments on the draft proposal for modification of the CPUC Rules of Practice and Procedure. CWA offers these comments in advance of the Committee on Policy and Governance meeting scheduled to be held on March 8, 2017, in order to help facilitate a productive discussion on this important effort.

CWA plans to participate in the formal process to be initiated later in 2017, and looks forward to assisting the Commission in its efforts to modify the CPUC's Rules of Practice and Procedure. Generally, the draft proposed modifications appear to be effective in addressing the requirements of Senate Bill 215, as well as other practical and procedural issues that have arisen over the years.

In these comments, CWA highlights a few proposed modifications that could cause problems with interpretation and implementation. CWA may raise other issues as the informal process and formal proceeding progress, and as the language of the proposed modifications evolves.

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Proposed Rule 8.1(f)

The proposed modifications include the following definition of a “procedural” matter:

- (i) an inquiry regarding the proceeding schedule, location or format of a hearing, general Commission practice, or the requirements of the Rules of Practice and Procedure;
- (ii) an emergency request for a specific procedural action, so long as the parties are included in the communication; or
- (iii) a matter pertaining to an intervenor compensation notice of intent or request for compensation.

CWA is concerned that the language of Proposed Rule 8.1(f)(i) is too narrow, since problems with submission, filing or service of a document, which may need to be discussed with a decision-maker, also should be considered “procedural.” Moreover, in addition to questions regarding hearings, questions regarding the “schedule, location or format” of prehearing conferences, workshops, all-party meetings, or similar events also should be within the “procedural” scope.

By contrast, the language of Proposed Rule 8.1(f)(iii), as currently written, appears to be too broad. This language could be interpreted to allow discussions of the *merits* of an intervenor compensation request to occur without reporting, since they would fall under the “procedural” umbrella.

Proposed Rule 13.7(f)

Proposed Rule 13.7(f)(ii) states that exhibits shall be submitted as “supporting documents” via the CPUC website “no later than the day that they are offered into evidence.” Hearing exhibits may be created, used and offered into evidence without much lead time. In recognition of the time constraints associated with the CPUC hearing process, CWA recommends that this language be modified to allow up to three business days to submit evidentiary hearing exhibits electronically. Additionally, CWA recommends that the timing for submission be based on when the exhibits are *received* into evidence, instead of when they are *offered* into evidence. Not all exhibits offered into evidence are received, and exhibits that are not received into evidence should be not part of the record of the proceeding.

Proposed Rule 13.8

The proposed Rule 13.8 would allow prepared testimony and accompanying exhibits to be offered and received into evidence without direct or cross-examination upon the stipulation of all parties. This proposed modification reflects common practice during CPUC hearings. The

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requirement that *all* parties must stipulate, however, could be unduly cumbersome, because some “parties” may be inactive or unavailable. CWA suggests that the stipulation requirement apply only to parties that have actively participated in the proceeding or hearing.

CWA suggests that the language in the draft proposed modification of the CPUC Rules of Practice and Procedure be changed to provide clarification and address the concerns expressed above. Over the course of this informal process and the upcoming formal proceeding, CWA may suggest further modifications. Thank you for providing us the opportunity to provide these comments. If you have any questions, please feel free to contact me at jhawks@calwaterassn.com or (415) 561-9650.

Sincerely,

A handwritten signature in blue ink that reads "Jack Hawks".

Jack Hawks

Executive Director, California Water Association

cc: President Michael Picker
Commissioner Martha Guzman-Aceves
Commissioner Carla J. Peterman
California Water Association Regulatory Committee